
Congressional and Legislative Affairs

Office of Congressional and Legislative Affairs

U.S. Small Business Administration



SMALL BUSINESS ADMINISTRATION
STANDARD OPERATING PROCEDURE

National

SUBJECT: Congressional and Legislative Affairs	S.O.P.		REV
	SECTION 40	NO. 00	01

INTRODUCTION

1. Purpose. To describe procedures to be used by the Office of Congressional and Legislative Affairs (CLA) and other Small Business Administration (SBA) personnel undertaking the activities related to the Congress to effectively and successfully implement the Congressional and Legislative Affairs programs of SBA.
2. Personnel Concerned. All SBA employees involved in implementing CLA.
3. Directive Canceled. SOP 40 00.
4. Originator. Office of Congressional and Legislative Affairs.

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Chapter 1 Overview of SOP

1. What is the Purpose of this SOP?

To describe procedures to be used by the Office of Congressional and Legislative Affairs (CLA) and other Small Business Administration (SBA) personnel undertaking activities related to the Congress to effectively and successfully implement the Congressional and Legislative Affairs programs of SBA. This SOP, however, does not apply to Office of Inspector General activities to the extent that it conflicts with the provisions of the Inspector General Act.

2. How is this SOP Organized?

This SOP outlines general procedures for all employees. Differences in procedures between Headquarters and field offices have been noted.

Chapter 2 Mission and Function of CLA

1. What is the Mission of CLA?

The mission of CLA is to assist in the development and passage of SBA legislative programs and serve as SBA's communications focal point on legislation and congressional activity. The CLA monitors legislation and policies introduced by Congress and Government agencies to determine their effects on the SBA and small business. The Assistant Administrator for CLA reports directly to the Administrator in carrying out this mission.

2. What are the Principal Functions of the CLA?

- a. The CLA is the focal point for communications with the Congress. It furthers the goals of the SBA and enables Members of Congress to best serve their small business constituency by promptly providing accurate, current, and continuous information to Members of Congress, congressional committees and others interested in SBA programs.
- b. The CLA devises and implements legislative strategy and has primary responsibility for all matters relating to the congressional and legislative functions of SBA. It is responsible for communicating SBA's policies to the Congress. It provides liaison with legislative personnel at the White House, the Office of Management and Budget, and various Federal departments and agencies. It coordinates with program offices and field offices to ensure continuity and consistency in the SBA's communications with Congress.
- c. The CLA oversees SBA participation in congressional hearings; coordinates preparation of testimony; follows all congressional hearings affecting the SBA or the small business community; tracks legislation; monitors bill status; and coordinates the analyses of effect of legislation on the SBA and the small business community in cooperation with program offices.

Chapter 3 Customers

1. Who are CLA's Customers?

- a. Congress:
 - (1) Committee on Small Business -- U.S. Senate;
 - (2) Committee on Small Business -- U.S. House of Representatives;
 - (3) Subcommittee on Commerce, Justice and State, the Judiciary and Related Agencies, Committee on Appropriations -- U.S. Senate;
 - (4) Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, Committee on Appropriations -- U.S. House of Representatives;
 - (5) Individual Members of the U.S. Senate and House of Representatives;
 - (6) Congressional staff;
 - (7) Congressional Budget Office (CBO); and
 - (8) General Accounting Office (GAO).
- b. SBA:
 - (1) Administrator;
 - (2) Deputy Administrator;
 - (3) Senior managers and their staffs;
 - (4) Regional administrators;
 - (5) District directors; and
 - (6) Other field personnel.
- c. Executive Branch Organizations:
 - (1) The White House;
 - (2) Office of Management and Budget (OMB); and
 - (3) Other Federal departments and agencies.

Chapter 4 Congressional Contacts and Information Requests

1. A Congressional Office Calls Wanting General Information on an SBA Program. What Should I Do?

You should answer general questions when congressional staff is on the line and report the call to CLA by completing Form 717, "Record of Congressional Inquiry." These forms must be forwarded to CLA daily by Headquarters employees and weekly by field office employees.

2. A Congressional Office Calls Wanting Information on an Individual Case, Application, or Policy Issues Under Consideration. What Should I Do?

- a. Headquarters employees should contact CLA staff to return the phone call. However, if the congressional staff is already on the phone, you should take down the basic information and advise them that CLA staff will call them back. Immediately contact CLA by telephone for proper follow-up.
- b. Field Office employees should follow the directions of their office heads, but CLA recommends that one source within a field office coordinate all congressional contacts. The field office employee should fill out SBA Form 717 and forward them to CLA weekly.

3. How Do I Respond to Requests for Privileged or Sensitive Information?

- a. If you receive a written or verbal congressional request for privileged information, as set forth in the Code of Federal Regulations (13 CFR, Part 102), you must immediately contact CLA. The CLA is responsible for its disposition, subject to review/coordination by the SBA Privacy Act Officer and/or other offices in Headquarters.
- b. Advise CLA immediately by phone if you receive:
 - (1) Congressional inquiries connected with actual or potential investigations or hearings (See Congressional Hearings, Chapter 7);
 - (2) Congressional inquiries of a controversial or sensitive nature. If in doubt as to the sensitivity of the call, advise CLA anyway; and
 - (3) Requests received from the Committees for Small Business of the House or Senate asking for access to SBA files that cite Section 10(e) of the Small Business Act, or from other committees seeming to ask for information not routinely released.

4. How Does CLA Respond to Requests for Privileged or Sensitive Information?

- a. Written Requests. It is CLA's policy that such requests be made in writing from the Committee Chairman. The CLA will notify and coordinate the request with the Administrator and any other SBA program officials. The CLA will obtain appropriate internal clearances before any material is forwarded to the Congress.
- b. Verbal Requests. The CLA will determine whether verbal requests can be honored without a written request and will consult with other SBA officials. If the information can be provided with a verbal request, the same clearance procedure is followed as for one that was received in writing. The CLA will contact the Congress if the information cannot be supplied without a written request.

5. What Should I Do If I Get a Request to Come to Capitol Hill or a Member's District Office?

- a. Headquarters employees must advise CLA if they are requested to go to Capitol Hill. Meetings with Members of Congress or congressional staff **MUST** be cleared in advance by CLA. Staff may attend the meeting at the discretion of the Assistant Administrator for CLA (AA/CLA).
- b. Field Office employees must advise their office head of any request to come to any congressional district office to discuss SBA business. Field office employees attending meetings on Capitol Hill or who schedule appointments with congressional offices while in Headquarters must advise CLA.

Chapter 5**SBA Form 606, "Correspondence Digest or Memorandum"****1. As a Program Manager, am I Required to Clear SBA Form 606s or Other Changes to Policy or Procedures with CLA Prior to Submission to the Administrator for Approval?**

All Administrator Memorandum Form 606's or other changes to policy or procedures **MUST** be cleared by CLA. Program or policy changes may come under congressional scrutiny or may relate to statutes or legislative initiatives. The CLA must review the changes prior to final submission to the Administrator.

Chapter 6 Congressional Correspondence

1. Do I Need to Clear Congressional Letters with CLA and provide them with Information Copies?

Yes. SOP 00 21 3 "Correspondence Manual," sets forth correspondence clearance procedures in detail and should be reviewed. However, the information listed below should provide some basic guidelines:

- a. Headquarters The CLA must clear all correspondence prepared in program offices to the Office of Management and Budget, Members of Congress, and congressional committees and their staffs, regardless of who signs the letter. This applies both to correspondence that is initiated by a program office or is in response to inquiries from the executive or legislative branch. Provide CLA information copies on a daily basis of any letters sent from the SBA to a Member of Congress or other Government entity such as Office of Management and Budget (OMB) or the Executive Office of the President.

The CLA must approve multiple mailings to the Congress including mailings announcing release of studies or SBA reports, general information letters, special initiative letters, invitation letters, press releases information, etc. The CLA can provide guidance to reduce production time and mailing costs.

- b. Field Offices The CLA does not clear congressional correspondence generated by field offices. However, field offices must send CLA copies of congressional responses weekly. Provide CLA with a copy of the incoming letter if the writer feels CLA should be aware of any significant information or strong views expressed by the Member.

Chapter 7 Congressional Hearings

The Office of Congressional and Legislative Affairs (CLA) coordinates the preparation of testimony presented by the Administrator and other SBA officials to congressional committees. This includes preparing and submitting informational materials, scheduling witnesses and communicating with committee staffs. The CLA briefs SBA witnesses before their appearances and coordinates the clearance of testimony with appropriate program officials, OMB, and other Federal Government agencies.

1. What Initial Steps Do I Take if Asked to Testify Before Congress or a State or Local Government Body?

As an SBA Headquarters or field employee, you should immediately notify the AA/CLA or Deputy AA/CLA if asked to appear at a congressional hearing to be held either in Washington or at a field location. The CLA will contact the committee to further define the request and develop preliminary information regarding the committee's areas of concern.

2. Who Decides Who Will Represent the SBA at a Hearing?

The CLA will evaluate the hearing request and advise the Administrator of the hearing. The Administrator will determine who will be the SBA witness at congressional hearings. All other SBA officials who wish to attend must inform CLA in advance for concurrence and coordination.

3. What Procedures Must I Follow to Prepare for a Hearing?

The AA/CLA will assign a legislative analyst to assist you in preparing your written and oral testimony and responding to questions asked at the hearing. If the Administrator is presenting the testimony personally, CLA will notify SBA staff of their specific responsibilities regarding the preparation of testimony and briefing materials.

a. Drafting the Testimony.

If you are the SBA official with responsibility for the program under review by the congressional committee, you generally will be asked to provide a first draft of the testimony to the legislative analyst for review and clearance. The CLA is responsible for the final preparation of testimony.

b. Review and Clearance.

The legislative analyst is responsible for clearing the testimony with appropriate officials within the SBA. Clearance is generally required of the associate deputy administrator having responsibility for the program area, the General Counsel, and the Chief Financial Officer (CFO). The Administrator may decide to clear the testimony personally. Finally, CLA has the responsibility of obtaining review and clearance of the testimony by the Office of Management and Budget when appropriate.

c. Briefing Materials.

You must provide assistance in preparing a briefing book for the SBA witness, which includes a copy of the letter of invitation, the written statement, summary statement, and any other information that might be helpful to the SBA witness. The legislative analyst will also ask for your help in preparing sample questions and answers. The analyst is responsible for developing questions on issues the Committee may want the SBA to address. The program office should concentrate on questions relevant to recent programmatic issues.

d. Charts.

SBA testimony may include charts, depending upon the hearing. You should consult with the legislative analyst about whether to prepare charts. Charts may be created on full size poster board or on regular sized paper for distribution to committee members, as appropriate.

e. Printing and Delivering Testimony to the Committee.

The CLA is responsible for making copies of the testimony and delivering it to the committee, according to the specifics of their request. Program offices must meet the deadlines for testimony and other materials established by CLA to fully meet the committee's deadlines. CLA also distributes copies of the testimony to appropriate SBA officials, including the Office of Public Communications, for preparation of a news release, and if appropriate, to field offices.

4. What Steps Are Necessary to Complete Post-hearing Follow-up?

a. Hearing Report.

At the conclusion of each congressional hearing, the legislative analyst will prepare a hearing report which summarizes relevant testimony by all witnesses. The CLA distributes copies of the hearing reports to appropriate Agency offices.

b. Transcript Corrections and Additional Submissions.

- (1) Following a hearing, the congressional committee will deliver a transcript to CLA. The legislative analyst will distribute copies of the transcript to the SBA witness and other appropriate offices for the correction of grammatical or factual errors. You must return the corrected transcript to the legislative analyst, who will transfer the corrections to the transcript original and return the corrected copy to the congressional committee staff. Advise CLA immediately if the congressional committee sends the transcript directly to the SBA witness. The CLA will coordinate correction of the transcript.
- (2) The CLA is primarily responsible for correcting transcripts of testimony by the Administrator. The CLA will gather necessary input from program offices.
- (3) Members of Congress will often ask SBA officials to submit additional material for the record or respond to additional questions for the record. These requests may be made orally during the hearing, or later in writing.

You must provide the additional information or answers to CLA, who coordinates the submission of the material to the congressional committee. Office of Management and Budget clearance is obtained when appropriate.

c. Hearing Files.

CLA maintains official hearing files on all congressional testimony by SBA officials. The files consist of a copy of SBA witness statements, copy of other witness statements, corrected transcripts, the final committee report, and other relevant materials. These files will be kept by CLA for a minimum of 2 years.

The CLA also maintains a binder containing a copy of all SBA witness statements given each year.

5. How Does SBA Monitor Hearings Pertaining to Small Business Issues When we Are Not Asked to Testify?

- a. The CLA attends and monitors all hearings that relate to proposed legislation that would affect SBA or the small business community.
- b. The CLA obtains copies of all available witness statements and takes notes of the proceedings. Information of a sensitive or controversial nature is immediately relayed to the appropriate SBA officials.
- c. The legislative analyst monitoring the hearing prepares and distributes a report.

Chapter 8 SBA Comments and Views on Legislation

1. From What Sources Does SBA Receive Requests to Comment on Proposed Legislation that Would Affect the SBA or the Small Business Community?

The SBA receives requests to comment on proposed legislation in a variety of ways, which include:

- a. Bills received from OMB (these may be bills from Congress in draft or introduced form, or bills drafted by executive departments or agencies);
- b. Reports or testimony by other departments or agencies on bills that are circulated by OMB for comment;
- c. Requests directly from a Member of Congress or a committee to comment on legislation; or
- d. Legislation received from a trade association or advocacy group.

2. How Does SBA Make its Opinion Known on Legislation or Reports Received From OMB?

In accordance with OMB Circular No. A-19, CLA has the responsibility for ensuring SBA's compliance with the clearance process on all transmittals to the Congress. The CLA interacts with OMB to ensure that the SBA's proposed comments on legislation are in accordance with the program of the President.

- a. After receiving proposed legislation, testimony, or reports, CLA will determine which SBA offices should evaluate the proposal and prepare comments. The CLA will transmit the request for comments to the associate deputy administrator with responsibility for programs that may be affected by the legislation, as well as the Chief Counsel for Advocacy, where appropriate, and the General Counsel. These individuals may delegate the review and drafting of a response, but should approve the response before its return to CLA.
- b. If you receive a CLA request for comments on legislation, you should pay close attention to the due date on the CLA cover sheet. The CLA is often under strict time constraints from OMB, and failure to abide by the deadlines will eliminate SBA's opportunity to make its views known. Extensions on OMB deadlines are granted only in very limited circumstances.
- c. Your comments should be in a narrative form, suitable for inclusion in a letter from the Administrator to the Director of OMB. If you object to the wording of text in a bill or report, you should supply alternative wording. Be specific in any objections you may have to the bill or report.

- d. After receiving comments from the program offices, CLA will prepare the draft response; clear it through General Counsel; and forward it to the Administrator for approval prior to forwarding to OMB.

3. How Does SBA Handle Requests Made Directly From Congress for Comments on Legislation?

- a. The CLA has the responsibility to coordinate the response to all requests made by Members of Congress or congressional committees for SBA's views on legislation. If you receive such a request, you must forward that request immediately to CLA, which will coordinate the SBA's comment process as described above.
- b. The CLA will prepare the proposed SBA position on a bill in the form of a letter from the Administrator. The CLA will forward the proposed letter or report to OMB for its review and concurrence. OMB will distribute SBA's proposed report to other interested departments or agencies for their comment, as appropriate. Only after the approval from OMB may SBA transmit its comment letter to the requesting office.

4. How Does SBA Handle Requests for Comments on Legislation from Trade Associations or Advocacy Groups?

- a. Requests for views on legislation from outside the Government are handled in essentially the same way as those from the Congress, with CLA coordinating the drafting and approval of views and the transmission of the final response.

5. What Resources Can CLA Provide to Me with Regard to Legislation of Interest to My Program or Department?

- a. The CLA maintains files on all legislation determined by CLA to be pertinent to the SBA, or to the small business community. These files include copies of bills, testimony, Congressional statements, analyses, news articles, editorial comments, and SBA positions relative to legislation. Files are kept on record for the current and preceding Congress.

Chapter 9**SBA's Legislative Package****1. How Does SBA Propose Legislation to the Congress?**

Generally, the SBA proposes a "legislative package" each year which consists of the SBA's recommendations on statutory changes that are needed to improve program operations or modify program authority to better serve SBA's small business customers. The SBA's legislative initiatives are determined by the Administrator with input from appropriate SBA officials. Legislative initiatives are submitted to the Office of Management and Budget for consideration and Administration approval. The CLA is responsible for coordinating with OMB during the clearance process and will assist OMB in seeking passage by Congress.

2. How Can I Propose a Legislative Change For SBA?

- a. Each year, usually in the fall or winter, CLA and the Office of General Counsel (OGC) will ask program heads, regional administrators, and district directors for suggested legislative changes. These individuals will consult with their staffs to develop recommendations which are then submitted to OGC and CLA.
- b. The CLA and OGC will undertake a clearance process to refine the list of suggestions which is presented to the Administrator for approval.
- c. The CLA and OGC will work with program offices and their respective senior managers to develop legislative language along with a "statement of needs and purpose," a "section-by-section analysis," and other supporting documents for the final SBA proposal.
- d. The CLA is responsible for transmitting the proposed legislative package to OMB and obtaining OMB's approval of it. This will often involve working with program offices and senior managers to refine a particular proposal to address OMB concerns.
- e. Upon the approval of OMB, CLA is responsible for the transmittal of the legislative package to the Congress: President of the Senate, Senate Majority and Minority Leaders; Speaker of the House; House Majority and Minority Leaders; and Senate and House Small Business Committee Leadership.
- f. The CLA will work with the legislative offices of OMB, the White House, other Federal agencies and departments and Members of Congress on developing an appropriate strategy for securing congressional action on the proposed bill.

Chapter 10 Congressional Reports

1. What Reports Does CLA Provide to SBA and Administration Officials on Congressional Activities?

a. White House Report.

On a weekly basis during the congressional session, the AA/CLA prepares a legislative report for the White House Office of Legislative Affairs, with copies sent to the Administrator, members of the Management Board, regional administrators, and such other SBA personnel as appropriate. This report contains action on legislation pertinent to the SBA, hearings at which the SBA testifies, a review of testimony given, and other relevant information. These reports are sensitive in nature and should not be shared with non-SBA personnel.

b. Hearing Reports.

The CLA legislative analysts prepare reports about congressional hearings on issues of interest to SBA or the small business community as soon as possible after the hearing. These reports are provided to all SBA Management Board members and may be shared with any SBA staff or others having interest in a particular hearing.

c. Legislative Action Alerts.

The CLA legislative analysts prepare Legislative Action Alerts which report on significant legislative action in Congress on a bill of interest to SBA or small business. Such actions include introduction of bills, committee markups, committee approval of bills, floor votes, and Presidential signature or vetoes. Again, these reports may be shared with general SBA staff or other interested parties.

d. Legislative Update.

The CLA prepares a monthly comprehensive report on legislative activity of interest to SBA and small business entitled the "Legislative Update." These reports are widely circulated and may be shared with any interested party.

e. Schedule of Congressional Hearings.

The CLA maintains a continually updated schedule of congressional hearings affecting the SBA. The report includes information on the committee holding the hearing, the date, time, place, subject, and SBA witnesses, if applicable. Copies are provided to the Administrator, Deputy Administrator, and other appropriate SBA officials.

2. What is a Congressionally Mandated Report and How are They Produced?

Congressionally mandated reports are reports or studies that the Congress directs SBA to submit, either through statutory language or language contained in reports that accompany a statute. There are two types of reports -- recurring reports and one-time reports.

a. Recurring Reports.

Recurring reports are mandated by the Congress to be submitted at a particular initial time and on a specified recurring basis thereafter. In order to ensure the complete and timely filing of these reports and studies, CLA will periodically issue a schedule of all such SBA reports and studies. Furthermore, CLA will remind the reporting official of an impending report at least 1 month prior to a due date. Final mandated reports are to be cleared by CLA for compliance with requested data.

b. One-time Reports.

Single, one-time reports are usually requested by Congress in order to obtain information on a program or issue of interest to the Congress at the time a bill is enacted. Upon enactment of the bill, CLA will immediately notify the appropriate program official and ADA about the due date for the report and provide those individuals with the language which requires the report to be undertaken. The CLA has final responsibility for clearance of the report and its submission to Congress.

Chapter 11 Congressional Briefings

1. What Type of Briefings does SBA Provide to the Congress?

As a program or field office manager, you may be asked to participate in or conduct the following types of briefings.

a. New Member/New Congress Briefings.

Headquarters. During each Congress, CLA conducts group briefings on SBA programs and activities for Members of Congress, with emphasis on new members and members new to SBA's appropriating and authorizing committees, and their staffs. Briefings with individual members are also held, when appropriate.

Field Office. District directors should sponsor local outreach briefings during each Congress for their district's delegations, taking into consideration the number of new members or members on SBA's appropriating and authorizing committees. The goal is to familiarize members and their staffs about SBA's field office operations; programs; resource partners; and cover the services field offices can provide Members in responding to constituent inquiries and requests for assistance.

b. Issue Briefings.

The CLA will coordinate briefings for Members of Congress and their staffs on particular issues as needed or requested. Typical examples might be briefings:

- (1) Held prior to a congressional hearing;
- (2) To inform members of major policy initiatives;
- (3) To discuss legislative initiatives; and
- (4) To discuss general program operations.

c. Budget Briefings.

In conjunction with release of the President's budget, CLA conducts budget briefings with our appropriating and authorizing committees and their respective staffs.

Chapter 12 Presidential Nominees Requiring Senate Confirmation

1. Which Employees of SBA Require Senate Confirmation?

- a. Administrator;
- b. Deputy Administrator;
- c. Chief Counsel for Advocacy; and
- d. Inspector General.

2. How is the Process Handled?

- a. The President nominates the individual for the particular post and refers the individual's name to the Committee on Small Business of the U.S. Senate for confirmation.
- b. The CLA works with the Committee on Small Business of the U.S. Senate to schedule a confirmation hearing on the nomination.
- c. The CLA arranges briefings for the nominee with program managers on program operations and issues.
- d. The CLA arranges courtesy visits with members of the Committee on Small Business of the U.S. Senate and other members of key congressional leadership positions.
- e. The CLA assists the nominee with preparation of testimony and the development of answers to anticipated questions.
- f. The confirmation hearing is held and the Committee votes on whether to report the nomination favorably to the full Senate.
- g. The full Senate votes on the nomination.
- h. If the nomination is approved, the President formally appoints the confirmed nominee, who then takes the oath of office.

Appendix 1 Index to Forms and Reports

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